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09/780,839	02/08/2001	Clay H. Fisher	50N3700.01/1583	8517

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EXAMINER

JERABEK, KELLY L

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/780,839

Applicant(s)

FISHER ET AL.

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5 and 25 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 5 and 25 state "said peripheral device being inoperable without said image hub". This feature is not defined in the specification. In fact, the specification states that in step 720 of figure 7, the system user may disconnect the camera device 610 from the image hub 110, and begin to capture additional images (specification: page 17, lines 11-12). For examination purposes the Examiner is reading this limitation as meaning that the peripheral device is operable without the image hub.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 6-13, 15, 18, 21-24, 26-33, 35, 38, and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et al. US 6,006,039.**

Re claim 1, 21, and 41-42 Steinberg discloses a system for managing content information, comprising: a peripheral device (10) configured to capture content information (image data); and an image hub (14) configured to transfer content information (image data) from the peripheral device (10) to a data destination from with a system user selectively accesses content information (col. 3, line 45 - col. 4, line 52; fig. 1).

Re claims 2 and 22, the peripheral device is a digital camera (10).

Re claims 3 and 23, the content information captured by camera (10) is image data.

Re claims 4 and 24, Steinberg states that the PC (14) includes a transmitter (36) that can be a modem (col. 4, lines 1-15).

Re claims 6 and 26, the image hub (14) disclosed by Steinberg is a PC therefore it includes a central processing unit, a memory device, a display, and input/output interfaces (36) (col. 4, lines 1-15; fig. 1).

Re claims 7 and 27, the PC (14) includes application software and an operating system (col. 4, lines 1-52).

Re claims 8 and 28, the PCs application software includes an editing module for editing image data that is sent from the camera (10) (col. 4, lines 32-52; col. 6, line 63-col. 7, line 4).

Re claims 9 and 29, the input/output interface (36) is a modem (col. 4, lines 1-15).

Re claims 10 and 30, the content information includes image data that corresponds to an image that was captured by the peripheral device (10), and a corresponding descriptor (database information added to image) that identifies the image data as being captured by the peripheral device (10) (col. 5, line 60-col. 6, line 5; col. 6, lines 21-25; col. 6, line 63-col. 7, line 4).

Re claims 11 and 31, Steinberg states that the peripheral device (10) includes a built-in processor and memory (col. 3, lines 20-56).

Re claims 12-13 and 32-33, Steinberg states that the peripheral device (10) is connected to the image hub (14) in order to download image data to the image hub (14) for processing (col. 5, line 60-col. 6, line 5; col. 6, line 63-col. 7, line 19).

Re claims 15 and 35, Steinberg states that an application software program in the image hub (14) determines management functions for handling the image information (col. 5, line 60-col. 6, line 5).

Re claims 18 and 38, the management functions for handling image information include data editing (col. 6, line 63-col. 7, line 5).

**Claims 1, 12-13, 15-21, 32-33, and 35-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. US 5,949,551.**

Re claims 1, 21, and 41-42, Miller discloses a system for managing content information, comprising: peripheral devices (2A-2N) configured to capture content information (image data); and an image hub (20) configured to transfer the content information (image data) from the peripheral devices (2A-2N) to data destinations (40A-

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40N) from which a system user accesses the content information (image data) (col. 10, lines 1-59; col. 12, lines 51-67; figs. 1-4).

Re claims 12-13 and 32-33, Miller states that states that the peripheral devices (2A-2N) are connected to the image hub (20) in order to download image data to the image hub (20) for processing (col. 10, lines 1-52).

Re claims 15 and 35, Miller states that an application software program in the image hub (20) determines management functions for handling the image information (col. 10, lines 20-52).

Re claims 16 and 36, the image management functions performed by the image hub (20) include a data routing function for transferring the content information (image data) from the image hub (20) to data destinations (40A-40N) using a wireless communications data transfer or a hard-wired network data transfer (col. 10, lines 20-52).

Re claims 17 and 37, Miller discloses a data routing function that includes marking the content information (image data) with an image identifier tag (identification signal) that is recognized and utilized by either the image hub (20) or the data destinations (40A-40N) to provide the content information (image data) to a system user (col. 12, lines 28-67).

Re claims 18 and 38, the management functions for handling image information include data editing (col. 13, lines 13-31).

Re claims 19 and 39, Miller states that the image hub (20) determines whether valid conditions exist for performing image management functions and presents an error message (inquiries are sent) if valid conditions do not exist and executes the image management functions if valid conditions do exist (col. 14, lines 8-67).

Re claims 20 and 40, Miller states that a system user accesses content information (image data) from data destinations (40A-40N) and performs data editing, data manipulation, and data ordering procedures on the content information (image data) (col. 13, lines 13-31).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



**Claims 5, 14, 25, and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al. in view of Takahashi et al. US 6,580,460.**

Re claims 5, 14, 25 and 34, Steinberg discloses an image hub (computer 14) that downloads content information (image data) from a peripheral device (camera 10) (col. 3, line 45 – col. 4, line 52). However, although the Steinberg reference states that a peripheral device may be connected to an image hub it fails to state that the image hub provides a power source for recharging a power supply in the peripheral device.

Takahashi discloses in figure 1 an image-sensing device (117) that is capable of being connected to a printer (118). The Examiner is reading the image-sensing device (117) as a peripheral device and the printer (118) as an image hub. When the printer (118) is connected to the peripheral device (117) it may be used to recharge a power supply (109) of the peripheral device (117) (col. 3, lines 29-59). Therefore, it would have been obvious for one skilled in the art to have been motivated to include the concept of using a device that is connected to a peripheral device to recharge the power supply of the peripheral device as disclosed by Takahashi in the camera capable of connecting to a computer as disclosed by Steinberg. Doing so would provide a means for preventing battery consumption or short battery during the transport of image data (Takahashi: col. 1, lines 40-45).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ward et al. (US 6,784,924) discloses a network configuration file for automatically transmitting images from an electronic still camera. The information regarding transmitting digital image data is pertinent material.

Sarbadhikari et al. (US 5,477,264) discloses an electronic imaging system using a removable software-enhanced storage device. The information regarding transmitting image data is pertinent material.

Anderson (US 6,177,957) discloses a system and method for dynamically updating features in an electronic imaging device. The information regarding the connection of a camera to a computer is relevant material.

Steinberg et al. (US 6,750,902) discloses a camera network communication device. The information regarding the connection of a camera to a computer is relevant material.

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Steinberg et al. (US 6,328,325) discloses a camera network communication device. The information regarding the connection of a camera to a computer is relevant material.

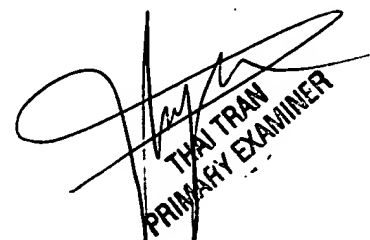
### **Contacts**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-7312**. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached at **(571) 272-<sup>7382</sup>7564**. The fax phone number for submitting all Official communications is **(571) 273-8300**. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at **(571) 273-7312**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ



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PRIMARY EXAMINER